APPENDIX

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Civil No. 90-0606B(M)

WENDY ZAMUTT,

vs. *Plaintiff*,

SAMUEL K. SKINNER, UNITED STATES DEPARTMENT OF TRANSPORTATION, JOHN V. COLEMAN, OFFICE OF AVIATION ANALYSIS, and the UNITED STATES OF AMERICA,

Defendants.

ORDER

The above-captioned matter came on regularly for hearing on November 19, 1990, before the Honorable Rudi M. Brewster. David J. Gallo, Esq., appeared for Plaintiff Wendy Zamutt, and Michael E. Quinton, Esq., and Thomas Ray, Esq., appeared for Defendants, Samuel K. Skinner, United States Department of Transportation, John V. Coleman, Office of Aviation Analysis, and the United States of America.

Upon consideration of Plaintiff's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, and Defendants' Cross-Motion for Summary Judgment, and the arguments presented, it is hereby ordered:

1. Plaintiff's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, is hereby denied on the grounds that Plaintiff lacks standing to bring this lawsuit.

To satisfy the standing requirements, Plaintiff must establish that (1) she suffered some actual injury, (2) the

injury is fairly traceable to the alleged illegal conduct, and (3) the injury is likely to be redressed if Plaintiff's suit is successful.

The court finds the International Air Transportation Competition Act of 1979, P.L. 96-192, 94 Stat. 35, 48-49 (1980) (the "Love Field Amendment") does not deprive Plaintiff of her First Amendment right to hear or her fundamental right of interstate travel. Any economic injury Plaintiff may have suffered from the restrictions at Love Field are too speculative and do not satisfy the "actual injury" standing requirement.

The court also finds that there has been an insufficient showing that a ruling in her favor would redress the alleged economic injury she suffers. It is unclear that Plaintiff would get less expensive and more convenient airline service from San Diego, California, to Dallas, Texas, if the Love Field Amendment was repealed.

2. In the alternative, if Plaintiff does have standing, the Defendants' Cross-Motion for summary judgment is hereby granted. The court finds that the Love Field does not violate any of Plaintiff's constitutional rights, including the fundamental right to travel, the First Amendment, and the Port Preference Clause.

IT IS SO ORDERED.

DATED: Dec. 6, 1990

/s/ Rudi M. Brewster
United States District Judge

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